

SUBJECT: Child Custody Orders	NUMBER: 2-10.01
EFFECTIVE DATE:	REVIEW DATE:
NMMLEPSC STANDARDS: None	APPROVED: Sheriff

I. POLICY:

The Sheriff's Department shall promptly enforce all Child Custody Orders received from a court of competent authority.

II. DEFINITIONS:

Child Custody Order:

A child Custody Order is an order which specifically directs the Sheriff's Department to take custody of a child, and either restore them to the petitioning parent, or bring them before a judge for a hearing. These orders specify the exact action that a Law Enforcement Officer must follow, and will identify all the involved parties. Deputies will ensure that they follow explicitly the instructions detailed in the court order.

These orders must be examined carefully prior to any action being taken. If the orders are from neighboring states, the petitioning parent must take them to our State Court for adoption before any action may be taken.

III. RULES AND PROCEDURES:

A. Child Custody Orders/Service

1. Notification to the Division Commander that a Child Custody Order has been received for execution. Child pick-up orders will be executed only upon authorization of the Division Commander, Captain, Undersheriff or Sheriff.
2. Notification to CYFD that a court order to pick up the child has been received and that there is no active CYFD or law enforcement investigation regarding the child. Every effort will be made to become knowledgeable in regards to the facts and circumstances of the child's family prior to execution in order to ensure the child's safety and wellbeing.
3. If there is an active investigation being conducted by CYFD into the wellbeing of the child or a law enforcement investigation concerning an alleged violation of criminal

law, the deputy will coordinate the execution of the order with both the agency conducting the investigation and the CYFD case worker.

4. Under no circumstances will a child be returned to an alleged perpetrator without the knowledge of the judge signing the court order.
5. Child custody orders will be served by two (2) deputies. In the event a child pick up order is being executed, deputies will utilize their Department issued recorder during service.
6. The petitioning parent may accompany the deputies to pick up the child. However, in order to avoid confrontations between the estranged parents or other involved parties, they will not be allowed to enter the building/home where the child is located.
7. When transporting any child, deputies must ensure that they comply with all State Laws pertaining to safe transportation of children, seat belts, child seats, etc.
8. If the transporting deputies take the involved parties to a hearing, they must be prepared to stand-by until the conclusion of the hearing.

B. Service of Child Custody Orders at School Facilities

1. Court orders regarding Child Custody matters will not be executed at a public or private school.
2. A written request may be made to school facilities for the home address of the child, if necessary.